



## LICENSING SUB-COMMITTEE

**MEETING** : Monday, 19th November 2012

**PRESENT** : Cllrs. C. Witts, Noakes and Randle

### **Officers**

Alexandra Reece

Lisa Jones, Food Safety and Licensing Service Manager

Rebecca Tuck, Licensing Enforcement Officer

Tony Wisdom, Democratic Services Officer

### **Also in Attendance**

**APOLOGIES** : Cllrs.

## **9. ELECTION OF CHAIR**

Councillor Noakes was elected Chair of the meeting.

## **10. INTRODUCTIONS AND PROCEDURES**

The Chair introduced the Members of the Sub-Committee and Council Officers in attendance and asked the Applicant's Agent and other parties to introduce themselves.

She outlined the procedure for the meeting.

In addition to the Sub-Committee and Council Officers in attendance, the following were present;-

Mrs Chandra Manoharan Applicant

Mr Surash \*\*\*\*\*

Licensing Consultant and Agent for Applicant

Mrs \*\*\*\*\*

Applicant's daughter

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Mr & Mrs Morgan	Local residents
Lesley Snow-King	Local resident
Sharon King	Local resident

The Chair agreed that a written representation from Helen Beddis be circulated as Ms Beddis had not been able to attend the meeting due to illness.

**11. DECLARATIONS OF INTEREST**

No declarations were made on this occasion.

**12. APPLICATION UNDER SECTION 17 OF THE LICENSING ACT 2003 IN RESPECT OF YOUR STORES, 138 STROUD ROAD, GLOUCESTER, GL1 5JT**

Licensing & Enforcement Officer

The Licensing and Enforcement Officer presented an application for a new premises licence in respect of Your Stores, 138, Stroud Road under section 17 of the Licensing Act 2003 for the retail sale of alcohol (off sales only) Monday – Sunday (inclusive) from 06.00 to 23.00 hrs.

She advised the Sub-Committee that the application had not been advertised on the premises until 24 September consequentially a further week had been allowed for receipt of representations. the newspaper advertisement was published in the Gloucester Citizen on 4 October 2012. She drew Members' attention to the appended plans showing the layout and location of the premises together with the location of residents who had made representations.

She noted the measures proposed by the applicant to promote the four licensing objectives – the Prevention of Crime and Disorder; Public Safety; the Prevention of Public Nuisance; and the Protection of Children from Harm.

She referred to the representations at Appendix D and advised Members that they must relate to the proposed licensable activity and its effect on at least one of the licensing objectives. The number of other outlets in the area selling alcohol by way of a licence was not a relevant consideration under the Licensing Act 2003.

She advised that the conditions detailed at Paragraph 5.6 had been agreed between the Police and the applicant.

There had been no representations from the responsible authorities.

There were no questions relating to the Officer's report.

Applicant's Agent

Mr Surash \*\*\*\*\*, representing the applicant Mrs Chandra Manoharan, advised that the applicant, who had 10 years retail experience, intended to run the premises as a family business and her son was the designated premises supervisor. they intended to comply fully with all legislation and the premises would be run in a responsible manner.

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He referred to the representations and noted the following:-

- A new noiseless automatic shutter had been installed;
- the applicant would ensure that the Council-owned litter bin was emptied if necessary;
- in addition to the two licence holders, two further family members had been fully trained in relevant licensing law;
- an Under 25 policy would be operated with appropriate notices to customers;
- the applicant was working closely with the Police;
- the premises had been fitted with an alarm system connected directly to the Police;
- the applicant had accepted the requirements of the police;
- many local people were happy with the proposals.

He noted that the store would sell many other items and provide a family run local convenience store.

He confirmed that the premises were not yet open for business.

Representations

Mr and Mrs Morgan expressed concern at the period requested for alcohol sales and believed 06.00 – 23.00 was excessive. they noted that local shops closed by 21.00. The agent advised that the 23.00 closing time was intended for summertime and festivals and the applicant may well close the premises earlier at other times.

Lesley Snow-King stated that the silent shutters were appreciated but was concerned that they could become noisier in time. She also noted that local people would respect the neighbourhood but the passing trade could generate noise nuisance from car doors slamming and talking. Mr Morgan added that noise from car stereos would be a nuisance.

Mrs Morgan noted that the car park which had previously been available for shoppers was now full with residents' cars. Sharon King noted that the sandwich shop which previously operated from the premises had relocated due to problems with parking. Mr Morgan confirmed that he had difficulty in pulling out of his drive.

Ms King noted that there were often children outside Bargain Booze attempting to persuade adults to buy alcohol for them to consume in the park. She also expressed concern that customers would park dangerously.

The agent believed that the majority of customers would be on foot and he advised that the staff had been fully trained to spot and anticipate proxy sales. A sign would be displayed warning of a £5,000 fine for such purchases.

Ms King noted that the premises had formerly been a Post Office which had closed at 18.00 and the sandwich shop which had closed at 14.00.

The agent confirmed that the shop opening hours had not been finally decided and the Chair advised that this was not a matter for the Sub-Committee.

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A written representation from Helen Beddis had been circulated as Ms Beddis had been unable to attend the meeting due to illness. Ms Beddis raised the following concerns:-

- three other retailers of alcohol within a half mile of the premises;
- the proximity of Sydenham Gardens and the potential for anti-social behaviour in a community garden;
- terraced houses in the neighbourhood inhabited by families and concern for the environment in which her daughter would be raised;
- the litter bin was already full with cider bottles before the premises had opened;
- the agent had claimed that the applicants would not be marketing the business as an alcohol outlet and the shop sign proved otherwise.

Councillor Randle questioned the last point and the agent clarified that he had told Ms Beddis that the applicants would not use promotions such as 'Buy One Get One Free' and did not intend to sell cheap alcohol.

The agent confirmed that the business name had been changed to Calton Express and was advised that there would be an additional fee of £10.50 to change the name.

Councillor Witts asked if there was living accommodation on the premises and was advised that a flat above the shop was let and the occupiers were happy with the application.

Summing Up

The Licensing and Enforcement Officer drew Members' attention to the decision of the Court of Appeal (Daniel Thwaites v. Wirral Borough Magistrates Court 2008).

She advised Members to consider the relevant facts regarding the application, the guidance and representations received and make a decision in accordance with the options outlined in her recommendation.

The residents wished the applicant every success with the business and reiterated their concerns on the proposed permitted hours.

The agent asked the residents to let the applicant know of any problems. the business would be run by a family who were keen to work with the local community and the police.

The Chair confirmed that the residents could request a review should there be any problems relating to the four licensing objectives.

The decision of the Sub-Committee

Members of the Sub- Committee withdrew to consider their decision which was read by the Chair upon their return as follows:-

**LICENSING SUB-COMMITTEE**  
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This is an application by Mrs Chandra Manoharan for a new Premises Licence relating to 'Your Stores', 138 Stroud Road, Gloucester, GL1 5JT. The application is for the provision of the retail sale of alcohol (off sales only), Monday to Sunday (inclusive) from 06.00 to 23.00 hours.

Having considered the application, any relevant representations, the legislative provisions, the Council's Statement of Licensing Policy, the Home Secretary's Guidance, taking into account the licensing objectives and listened carefully to the presentation of the report of the Licensing and Enforcement Officers, the presentations of the parties and the responses to questions the Sub-Committee has

**RESOLVED** that the licence be granted subject to the following conditions:-

1. A 'Challenge 25' policy shall be implemented, so that any customer attempting to purchase alcohol who appears to be under that age of 25 years shall be asked for accredited proof-of-age (PASS approved ID, Driving Licence or Passport) and a sale shall not be made unless this is produced.
2. A CCTV system with minimum 4 colour-cameras recording at a frame-rate of not less than 15 frames-per-second shall be maintained in good working order at the premises. One of these cameras shall provide a 'head & shoulders' picture (I.D. shot) of all customers entering the premises, one camera shall be situated behind the Serving Counter so as to capture the faces and activities of customers at the counter, one camera shall be located externally to cover the external approach to the store, and one shall be positioned to monitor the alcohol display. The system shall record at all times the premises are open. Recordings shall be kept for a minimum of 14 days and shall be produced within 3 working days on request of Police, Trading Standards or Council Officers. The system shall be checked daily and should the system fail to operate on any occasion, the DPS (or representative) shall promptly notify the Licensing Authority Licensing department and Police Licensing department and shall take prompt steps to repair or replace the system but, in any event, if the system is not returned to good working order, the premises shall not sell alcohol until it has been repaired.
3. Except for alcohol displayed behind the Serving Counter, Alcohol shall not be displayed within 4 metres of the entrance/exit.
4. Spirits (Alcohol of 20% ABV or above) shall only be displayed behind the Serving Counter.
5. There shall be no sales of alcohol after 21.00 hours.
6. Written evidence of annual maintenance of the roller shutter shall be submitted to the Licensing Authority.

**Reasons**

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To uphold the Licensing Objectives in respect of the prevention of public nuisance given the highly residential nature of the area and the prevention of crime and disorder.

**Time of commencement: 18:20 hours  
Time of conclusion: 19:35 hours**

**Chair**